

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

**UNITED STATES OF AMERICA,)
)
)
vs.) **Case No: CR 06-S-329-J**
)
)
PHILLIP CURTIS GRACE.)**

ORDER

This case is before the court on defendant's motion for judgment of acquittal as to count two of the indictment, and/or, in the alternative, motion for a new trial (doc. no. 46). The Magistrate Judge filed a report and recommendation on May 9, 2007 (doc. no. 49), recommending that the motion be denied. Defendant filed an objection to the report and recommendation on May 11, 2007 (doc. no. 50).

Upon careful consideration of the entire record in this case, including the transcript of the trial proceedings over which this court presided, this court ACCEPTS the Magistrate Judge's report, and ADOPTS his recommendations. Accordingly, defendant's motion for judgment of acquittal or, alternatively, motion for new trial is DENIED.

DONE and ORDERED this 15th day of May, 2007.



United States District Judge